



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 13, 2008

Date of Meeting: January 15, 2008

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:33 p.m., on Tuesday, January 15, 2008, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Rodney Glassman	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor (departed at 7:13 p.m.)

Absent/Excused: None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Sat Bir Kaur Khalsa, Tucson Human Relations Commission, after which the Pledge of Allegiance was led by the Weed and Seed Coalition Teen Advisory Board.

Presentations:

- a. Mayor Walkup presented a copper letter to Kathleen S. Detrick, City Clerk, honoring her for her leadership.
- b. The Arizona Municipal Clerk's Association presented Kathleen S. Detrick, City Clerk, with a plaque in recognition of her dedicated service.
- c. Mayor Walkup proclaimed January 15, 2008, to be "Martin Luther King Jr. Day." Sat Bir Kaur Khalsa, of the Tucson Human Relations Commission, accepted the Proclamation.
- d. Mayor Walkup presented certificates to students from Doolen Middle School and Pueblo High School for their ongoing efforts to eradicate methamphetamine abuse.
- e. Mayor Walkup presented the Excellence in Procurement Award for 2007. Mark Neihart, Procurement Department Director, accepted the award.

Kathleen S. Detrick, City Clerk, announced Delfina Kerdels would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 17, dated January 15, 2008, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Romero thanked the following establishments for providing refreshments for the Ward 1 Open House: Dan Cavanagh, Inc., Furr's Cafeteria, Inc., St. Mary's Road location, Las Cazuelitas Mexican Restaurant, Grant Road location, Magpies Gourmet Pizza, Fourth Avenue location, Mi Nidito Mexican Restaurant, South Fourth Avenue location and St. Mary's Mexican Restaurant, St. Mary's Road location. More than four hundred people attended the Open House event. She also thanked Mary Helen High, Barbara Whitaker, Corridor Neighborhood Committee, Maria Rios, Marysol Gallego, Maritza Gestelum, Bob Rodriguez and Dea Brasgalla who helped make this happen. She said the public

who did not attend the Open House could go to the Ward I Council Office any day with any issue, and they would be there.

- b. Council Member Glassman spoke about the Ward 2 Open House. He thanked his staff for putting together such a wonderful event. He also thanked Bob McMahon, owner of the Metro and Italia Restaurants, and the Bistro Philippe, for donating the food for over three hundred fifty people. He added if there was anything the Ward 2 office could do to be of assistance, they were there.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 18, dated January 15, 2008, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

Kathleen S. Detrick, City Clerk thanked Mayor and Council and all who had served on the dais before for having given her such incredible opportunities. She said how much she loved being City Clerk and Campaign Finance Administrator. She also thanked the Arizona Municipal Clerk's Association and her staff.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 20, dated January 15, 2008, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Applications

New License(s)

- 1. Cuvee World Bistro, Ward 6
3352 E. Speedway Blvd.
Applicant: Robert Martin Bossardet Jr.
Series 12, City 89-07
Action must be taken by: January 19, 2008
Staff has indicated the applicant is in compliance with city requirements.
- 2. The Bum Steer, Ward 3
1910 N. Stone Ave.
Applicant: Heiko Henning-Wilhelm Langrehr
Series 12, City 93-07
Action must be taken by: February 3, 2008

Tucson Police Department: has submitted a report showing “no recommendation.”

Development Services and Revenue have indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed
Considered separately

Person/Location Transfer(s)

3. Sports on Congress, Ward 6
254 E. Congress St.
Applicant: Elijah Louis Berlin
Series 6, City 91-07
Action must be taken by: February 2, 2008
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

1. Tucson Metropolitan Community Chorus dba Desert Voices, Ward 6
738 N. 5th Ave.
Applicant: Rebecca H. Cohen
City T101-07
Date of Event: February 9, 2008
(Non-Profit Fund Raiser)
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Vice Mayor Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b3, and 5c1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License(s)

2. The Bum Steer, Ward 3
1910 N. Stone Ave.
Applicant: Heiko Henning-Wilhelm Langrehr
Series 12, City 93-07
Action must be taken by: February 3, 2008
Tucson Police Department: has submitted a report showing “no recommendation.”

Development Services and Revenue have indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

Kathleen S. Detrick, City Clerk, announced the application to be considered separately was item 5b2, The Bum Steer, located in Ward 3. Staff indicated the applicant was in compliance with City requirements.

Council Member Uhlich requested Michael Rankin, City Attorney, provide a quick summary of the events to date covering this matter.

Michael Rankin, City Attorney said there had been an application before the Mayor and Council for consideration of this location which resulted in a recommendation for disapproval. This was then forwarded to the Arizona State Liquor Board. There was a Board Hearing and a motion to issue the license, but that motion failed on a 3 to 2 vote. Under the statutory requirements, if there was a super majority vote at the City Council, then the Board had to approve it by a two-thirds super majority vote. Initially, there was some confusion as the Board felt they had satisfied that requirement with three votes out of five. Ultimately, upon reconsideration, it was understood the application of the statute and the license was not to be issued because sixty percent was not sixty-six percent. Since that time, the new application had been filed and the premises had been operating on an interim license or interim permit. The applicant was once again in front of Mayor and Council asking for a new license to be issued.

Council Member Uhlich said the Ward 3 and other offices received some materials in support of the new application from the applicant. She said she believed quite a bit of work had been done between the initial application and the current one.

Tracey Barry said he was representing himself. He was there to speak on behalf of the owners of The Bum Steer's application for a liquor license. The Bum Steer had been a part of Tucson for over thirty years and in his four years of residence in Tucson, he and his family had enjoyed eating there many times. He said he was sad about what had happened during the last several years over the lack of control with the previous ownership. He said he knew that would be a concern to the community. He said he found it interesting that the previous owner was recently given a liquor license to operate a new business. This was a surprise to him. Mr. Barry found out that under the new ownership, there had been a radical difference. He had stopped going there towards the end of the previous ownership because of a lot of issues and the care and the surrounding environment. The new owner was trying very hard to make a change. He and his family enjoyed their experience there. The restaurant had been cleaned up and remodeled, and now they were making a great effort to try and create a new environment. He said he felt the owner should be given this opportunity for a license and should not be held accountable for what a previous owner had done.

Thomas Hood said his family partnership owned property within one hundred fifty feet of The Bum Steer location. He had some questions addressed to the new applicant with respect to receiving a license both at the state and local levels. He said he wondered if one received a number twelve license which was a restaurant license, how could one overcome the notorious history of The Bum Steer over the last few years. He wanted to know if the term *Saloon* would be in the name up front on Stone Avenue and if the target base for their customers would be thirty-five and above. Mr. Hood also inquired whether there would be any dance nights such as those held under the previous management and whether the facility would be rented out to other entities for events such as dance nights. In addition, he questioned whether the type of food on the menu allowed for a forty-percent or greater percentage of food in terms of the total revenue for the establishment.

Sherry Berry said she spent a lot of time in the seventies at The Bum Steer. It held a special place in her heart. Every time she went there, she could always find something new on the ceilings or walls in terms of the artifacts they had, and she did not mean obscene things. The artifacts were absolutely amazing. She was a teacher. While there the other night, she noticed there was a parlor stove on the wall which figured in a story she had at school that day. She said the Bum Steer was a great treasure that Tucson had and she would hate to see it lost because there were so many wonderful things there. She was saddened by the events that had happened there in the past, but she was one of those people who believed, as per the saying of blaming the car or the driver for the accidents that occur, that one could not blame the building for the problems. The previous owner and lack of management could be blamed for the problems that occurred. The building could not be blamed simply because it existed. The new owner should be given a try as he was willing to make it work.

Ms. Berry said she noticed a major change when she was there last week. It was bright and clean, and the food was now served in dishes rather than baskets. There were chairs instead of barstools. It looked so much more upscale that she said her jaw immediately hit the floor because she could not believe how clean it looked and all the renovations the new owner had done. It was beautiful. She wanted to note that the parking lot had now been enclosed by a brick wall which was not the case previously. In the past, people could come in from the Stone Avenue exit or from the back exit. That parking lot had now been completely enclosed by a brick wall. The only entrance and egress to that building was the Stone Avenue entrance. Problems would be greatly diminished by not having that back exit where people could enter and do something they should not be doing and go back out of that exit. Everything would now be controlled through the front. She hoped there would be some kind of front control there. She mentioned this as it had not been brought up in the past. She emphasized how supportive she was of the new management going in, trying and make a business of this. It would be an absolute shame to let a treasure that Tucson had go without giving it a fight.

James Stoutmeyer, Sergeant, Tucson Police Department's (TPD) Vice Unit said a lot of what was heard was true. There had been a major change that had taken place at The Bum Steer. However, one of TPD's concerns was still the last couple of years they were open. The TPD had one hundred forty-nine calls for service which involved homicide and a couple of stabbings. These were things that could not be ignored. TPD was not protesting the applicant at all; they simply had to address concerns with the location. TPD visited the applicant, Mr. Langrehr, at his property and Sergeant Stoutmeyer said he was amazed at the things the applicant had done. The applicant had tried to meet some of the concerns the TPD had last time.

One of the things Sergeant Stoutmeyer noticed was that a wall had been placed along the back eastern end of the parking lot. That used to go out to Seventh Avenue which was extremely dark and where a lot of the fights and shootings took place. The wall now prohibited any movement, even pedestrian traffic, from going back there unless one jumped over the wall. That was a positive step. Upon going into the bar he could see a lot of the dance hall had been altered and now had tables and chairs. Walking through there, he noticed that most of the chairs were fixed to the floor, and they had a small bar area on the lower and upper levels. The upper level was not completely renovated yet. The new ownership was talking about having dual pianos on the upper level, but the area was small and it did not look as if it would pose any problems as far as any dancing going on there. In the last application there was a one-page menu. The limited menu made Sergeant Stoutmeyer foresee denial of a license again because they did not meet the forty-percent food sales. This time, however, Mr. Langrehr presented a five-page menu with regard to food items being served. The kitchen area had been renovated, and this had been a positive step with regard to operating and taking care of some of the concerns of the TPD. The only reason TPD made a no recommendation was because of the location. The name had not been changed. There is still the issue of whether or not they were going to be able to make the food sales. He thought they were on the right road to accomplishing that.

Thomas Aguilera from the law office of Thomas R. Aguilera spoke on behalf of the applicant, Mr. Langrehr. He introduced his client and said it was exciting that he was bringing back The Bum Steer. Addressing Council Members Romero and Glassman, he said he had not had the occasion yet to present a client in front of the new council members. He hoped that tonight might be one of those times that posted a plus in the win column and got them off to the right track. He appreciated Council Member Leal and his staff meeting at length with his client as well as Council Member Uhlich taking the time to come down and see what he and his client had been talking about. He thanked everyone.

Mr. Aguilera had been fighting hard from the start. He said he was hired in July 2007. This was a month and a half or so after the last recommendation for denial which was in May 2007. The trends that Mr. Langrehr had been implementing were not implemented in May because of a kind of Catch-22. Mr. Aguilera asked how someone could start investing two hundred thousand dollars when there was no license and no idea

about ever obtaining one. Mr. Langrehr was taking his changes even after the last procedural issues that Mr. Rankin, City Attorney elaborated on because there was such a great response when there was an interim permit. The owner could tell some stories about the people that came in. Mr. Aguilera said he would stop talking in a second but wanted to mention to Mayor and Council that the system actually had worked. It was hard for him to admit this because it had been such a long battle. He said he had felt it was a battle against the City but then started thinking about it and realized the system worked. It had now given everyone time to actually see firsthand what had happened at The Bum Steer and it was exciting.

Mr. Aguilera said he thought the Arizona State Liquor Department was in a very good position, having met with them at length and having gone over the business plan. This was a long time ago when the Department initially had protested, but they withdrew their protest after meeting with Mr. Langrehr. Their concerns included whether he could meet the forty percent. That was their job. They hired auditors to do that. Mr. Aguilera said that with all due respect to Mr. Hood, he did have faith in the process with them, too, and believed it would be seen that it would be met. He added it was not going to be an age thirty-five-up and up crowd. There was going to be five and six-year old kids there for birthday parties. This would not be the kind of place that gang members would be attracted to. They did not usually like the build-the-bear stations and those types of things. This was a family restaurant. He was hoping to leave tonight with the recommendation for approval, but if not, he said he had done this a number of times and they would certainly be prepared at the state level.

Heiko Langrehr, the owner, thanked Council Members Uhlich and Leal for their time. He appreciated Council Member Uhlich looking at his property. He had stood in the same place last May 2007, basically telling Mayor and Council the same thing as what he was saying now. His course had not changed. The difference was that people actually came by and looked at what he had done. Not a huge amount had changed since May 2007 and now. He appreciated Sergeant Stoutmeyer having taken the time to actually come and see what was done. TPD talked about the name change but did not know why they thought he would change the name. It had a great history. There were some serious problems, but all the people were coming in. They would not be coming if he had called it The Red Barn. No one would know what to do with it. People heard The Bum Steer and would say that was the great place they used to go to all the time and have burgers. That is what he had been hearing every day, people thanking him for opening again.

Mr. Langrehr said he had heard amazing stories and wondered what other restaurant had these kind of stories. For example, the second day they opened, a lady came in with a little box. This was the story he told earlier to Council Member Uhlich and said he thought it was just fascinating. This lady had a box with her and he saw out of the corner of his eye that she was teary-eyed when she was seated. The waiter then asked how to handle this situation because the box that she brought in was her husband's ashes. It turned out that she was thrilled the restaurant had reopened because she had just picked up her husband who had passed on, and it was the thirtieth anniversary of his

having asked her to marry him at The Bum Steer. She was so thrilled that the restaurant had kept the seating where she now was where he had asked her to marry him. He added that just this afternoon a couple came in and told him they were the infamous couple who got married at The Bum Steer. They were looking for the name they carved into their benches.

Council Member Uhlich said she appreciated Mr. Langrehr highlighting that the history of The Bum Steer had not only been the negative that they heard. She added that she had heard from many people that there were a lot of positive moments. The questions raised by Mr. Hood had been addressed in terms of the forty percent. With regard to the menu, she wondered if there would be a marketing shift more towards a target base of parents and kids. One question that was raised was whether *Saloon* would stay in the name, and she said she wondered what he would do about that.

Mr. Langrehr said the new ownership had plans of redesigning their sign so that it would not say "saloon" anymore although he had already invested two hundred thousand dollars and currently needed to save a little. The sign was not his number one priority. His business card and advertisement showed the sign. He would be happy to submit that to Council Member Uhlich although it could be seen in advertisements, for example for the Fort Lowell Soccer Tournament. This showed their main logo.

Council Member Uhlich thanked Mr. Langrehr and said she could share her thinking on this with colleagues. Initially she had made a motion for denial based on a couple of premises, one of them was TPD's recommendation which she always took seriously. Ms. Uhlich added that Mr. Langrehr previously had a partner who had quite an extensive history of his own, which was not beneficial to his efforts to get a liquor license. She said she was pleased that the applicant was no longer associated with his previous partner. She said she felt that was of real significance.

Council Member Uhlich said in her experience in meeting with the applicant, and spending time at the establishment, she saw real positive trends toward responsible ownership and concern for the surroundings. She was going to trust that would continue. She added she believed the applicant deserved that opportunity to make this establishment a success in its new iteration. She said she hoped it would be an evolving and different one than the one that had bred so many problems in the past and believed it would be.

It was moved by Council Member Uhlich, duly seconded to make a neutral recommendation, in keeping with TPD's recommendation, which would allow the Arizona State Liquor Board to deliberate again.

Council Member Leal thanked Council Member Uhlich for the overview on the past and how they had arrived at the present situation. It seemed to him that these were not token gestures on the part of the applicant. He said he thought Mr. Aguilera's discussion and what was brought to the table was real. It was really about management

so often, not about the spirit that controls the place. He confirmed with the owner that he would run it.

Council Member Leal said he thought the changes that had been made to the walls, the menu, the seating with the tables bolted to the floor were not just a set-up. He said he thought the Mayor and Council should let him have a go of it. He said he had reason to believe that they were not being foolish in doing that although there was some concern on the part of some regarding the owner's or anyone's ability under the circumstances to meet that sixty/forty split. He asked the owner if he would be willing to provide the sales tax receipts to the City on a monthly basis for the next year so Mayor and Council could see how they were doing.

Mr. Langrehr replied that they had to declare it in separate liquor and food items on the report.

Council Member Leal said he thought that was only done if they were audited.

Mr. Langrehr said this was done when they get audited. He added they could give Mayor and Council the reports as well as the sales reports showing the different ringings of liquor and food. He agreed to provide all this to the Mayor and Council.

Council Member Romero had worked personally on The Bum Steer liquor license application during the last year she worked with Council Member Uhlich. She worked closely with neighbors and residents, as well as businesses that were neighbors of The Bum Steer that unfortunately did not have a good reputation. The area was infested with a lot of bad activities. This was why she was happy that the way of doing business was being changed. Addressing the owner, she said she hoped he was giving his best to ensure that not only the residents but the citizens, commercial residents and neighbors in the area would be happy with what he was doing.

Mr. Langrehr replied in the affirmative and said he was very happy because these people were lunch customers every day.

Council Member Romero said that was good because she did not want to lose the killer burgers and the history of The Bum Steer. It was important for a local entrepreneur to own the place. She said she hoped that Mayor and Council could give him an opportunity to prove to them and to the citizens and the owner's neighbors that he would be an honest person and would make sure to look after their interests. She mentioned this in light of the fact that she worked personally with Council Member Uhlich on this liquor license application and there had been issues and problems, which had arisen.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b2 to the Arizona State Liquor Board with no recommendation.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Tammie Wolverton, with the Wolverton Mountain Movie Livestock and Ranch in Tucson spoke about the safety of the rodeo parade. She said education was necessary for all those involved in the parade.
- b. Brian McGinnis spoke about his concern for the return of stolen property from a pawn shop, relating his own recent personal experience of property theft.

Council Member Leal asked the City Manager if he could take a look at this issue.

- c. Bill Katzel thanked all the people responsible for Consent Agenda Item I, a Memorial urging the Hershey Company to remove Ice Breakers Pacs from marketing and distribution. He added he was glad this item had been brought to the public's attention.
- d. Michael Toney spoke about the destruction of the Manning House palm trees, creating a green space plan and Mr. Winkleman's plan for an assured water supply.
- e. Libby Hubbard spoke about urban sprawl, proposed development on the twelve thousand acres and Tucson's water crisis for future generations that could be solved by ecological architecture.

7. CONSENT AGENDA – ITEMS A THROUGH J

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT: (S05-052) BARRIO PANTANO SUBDIVISION (RCP), LOTS 1 TO 57, AND COMMON AREAS "A", "B", "C" AND "D"
 1. Report from City Manager JAN15-08-26 WARD 4
 2. Resolution No. 20866 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-052 of a Final Plat for the Barrio Pantano Subdivision, Lots 1 through 57 & Common Areas "A", "B", "C" and "D"; and declaring an emergency.

- B. FINAL PLAT: (S05-052) BARRIO PANTANO SUBDIVISION (RCP), LOTS 1 TO 57, AND COMMON AREAS “A”, “B”, “C” AND “D”
1. Report from City Manager JAN15-08-24 WARD 4
 2. Staff recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- C. FINAL PLAT: (S07-125) WEST UNIVERSITY TOWNHOMES, UNITS 1, 2 AND 3, COMMON ELEMENT “A” AND LIMITED COMMON ELEMENT “B”
1. Report from City Manager JAN15-08-21 WARD 1
 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- D. REAL PROPERTY: CONVEYANCE OF SURPLUS ALLEY RIGHT OF WAY OF FORMER ALDER ALLEY TO THE DUNBAR COALITION
1. Report from City Manager JAN15-08-22 WARD 1
 2. Ordinance No. 10492 relating to real property; vacating and declaring certain City-owned real property designated as the Alder Alley right of way to be surplus property; authorizing the conveyance thereof at no cost to the Dunbar Coalition to assist in securing an Historic Preservation Grant for the rehabilitation of the Dunbar school site; and declaring an emergency.
- E. REAL PROPERTY: AMENDED LEASE AGREEMENT WITH CLEAN ENERGY FOR LAND LOCATED ON EAST WINSETT STREET
1. Report from City Manager JAN15-08-23 WARD 5
 2. Ordinance No. 10496 relating to real property; authorizing and approving the First Amendment to the Lease with Clean Energy, for real property located at 1755 East Winsett Street, Tucson, Arizona; and declaring an emergency.
- F. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR DESERT SKY MIDDLE SCHOOL
1. Report from City Manager JAN15-08-31 WARD 4

2. Resolution No. 20867 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 4 Office Community Support Fund, Account No. 001-183-1898-268, to Desert Sky Middle School to assist in covering expenses for an educational trip to Washington D.C. on May 5, 2008; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows:
Council Member Scott - \$100.00.

Kathleen S. Detrick, City Clerk, announced that as discussed in Study Session, the following contribution was made in addition to the contribution previously made by Council Member Scott. Council Member Leal added a \$100. The resolution would be amended to reflect the new total of two hundred dollars (\$200).

G. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE TIGERSHARK SWIM CLUB

1. Report from City Manager JAN15-08-32 WARD 4
2. Resolution No. 20868 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250) from the Ward 4 Office Community Support Fund, Account No. 001-183-1898-268, to the Tigershark Swim Club for their annual Wellness and Water Safety Fair being held on April 12, 2008; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows:
Council Member Scott - \$250.00

H. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SOUTHERN NSTITUTE OF LEADERSHIP

1. Report from City Manager JAN15-08-33 WARD 5
2. Resolution No. 20869 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 5 Office Community Support Fund, Account No. 001-183-1898-268, to the Southern Institute of Leadership for the 3RD Annual Ms. Rosa Parks Living History Makers Awards Event being held on February 13, 2008; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows:
Council Member Leal - \$100.

Kathleen S. Detrick, City Clerk, added the following contributions were made in addition to the contribution previously made by Council Member Leal. Council Member Glassman - \$100, Vice Mayor Trasoff - \$100, and Mayor Walkup - \$100. Ms. Detrick advised the resolution would be amended to reflect the new total of four hundred dollars (\$400).

I. MEMORIAL: URGING THE HERSHEY COMPANY TO REMOVE
“ICE BREAKERS PACS” FROM MARKETING AND DISTRIBUTION

1. Report from City Manager JAN15-08-34 CITY-WIDE
2. A Memorial relating to public health and safety; urging the Hershey Company to remove “Ice Breakers Pacs” from marketing and distribution; and urging local retailers to remove “Ice Breakers Pacs” from their shelves immediately and to refuse to sell this product to the citizens of Tucson.

J. APPROVAL OF MINUTES

1. Report from City Manager JAN15-08-35 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on September 18, 2007.

It was moved by Council Member Romero, duly seconded, that Consent Agenda Items A through J, as amended, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal;
Vice Mayor Trasoff and Mayor Walkup

Nay: None

Consent Agenda Items A through J, as amended, were declared passed and adopted by a roll call vote of 7 to 0.

12. TUCSON CODE: AMENDING (CHAPTER 11) RELATING TO THE TUCSON RODEO PARADE AND OTHER PARADE EVENTS

(Note: this item was taken out of order)

Mayor Walkup announced City Manager's communication number 30, dated January 15, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10494 by number and title only.

Ordinance No. 10494 relating to Crimes and Offenses; prohibiting certain items and activities at the Rodeo Parade and at other parade events; amending Tucson Code Chapter 11 ("Crimes and Offenses") by amending Section 11-69 and adding Section 11-71; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance 10494.

Michael Rankin, City Attorney, said he could give a complete overview of the Ordinance if it was preferred. He said the Ordinance in front of Mayor of Council would amend some existing provisions in the City Code which currently regulated some activities around the rodeo parade. Specifically, if adopted, the amendments proposed tonight would codify the age requirements for participation in the rodeo parade. The age requirements in the Ordinance are exactly the same as in the Rodeo Committee's rules and procedures. Secondly, the amendments would add specific traffic control and parade management requirements for specific listed parades. Those four parades would be the Rodeo Parade, the Downtown Parade of Lights, the Veteran's Day Parade, and the St. Patrick's Day parade. As described in the Mayor and Council Communication, these parades were specified and listed in this Ordinance based on their size, the traffic control requirements, putting in barricades and having police officers present to manage traffic as well as the integration of vehicles and animals in these parade events. These specific amendments would protect the parade events by prohibiting anyone from blocking, obstructing, or interfering with a participant, a vehicle or an animal in the parade. In addition, the amendments would prohibit the removal of any sign that controlled traffic or a barricade, and prohibit the public from being on the roadway of the parade route where it was barricaded and marked, except as otherwise authorized. In addition, there was a specific requirement with respect to alcohol stating that anyone who would either be riding an animal or operating a vehicle in any of these parades not have any alcohol or intoxicants in their system. The last change in this Ordinance would amend the penalty provision to make it a misdemeanor offense rather than what was currently a civil infraction offense. The maximum fine would be one thousand dollars, but there would be no minimum fee for particular violations.

Council Member Glassman said he had a couple of questions with regard to the substantive changes of the new rules. He inquired if there was anything in the rules with regard to the experience of the drivers who were driving in the parade.

Marshall Stewart, a member of the Tucson Rodeo Parade Committee, said it was an honor to be there today and appreciated the chance to be able to answer any questions from the Mayor and Council. One thing the Committee had done this year was to change their major horse contractor. This was an issue that had been going on for the last several years. They had been gradually working toward changing the horse contractor. This year, the contractor would be bringing in horses with their owner/drivers. These drivers were all going to be very familiar with the horses. They had done away with their citizen-driver training program, and they would not be placing advertisements in the newspaper about how to learn to be a driver. This year, all of the horses would be driven by drivers who were experienced with their own teams. They had anywhere from three to forty years of experience and would all be providing their own harnesses. These sort of things were important changes. In addition, each team would have a foot handler who would walk next to the team during the parade. The idea was to discern that a horse was getting ready to misbehave before it actually did, so as to prevent what had happened last year and the year before. These handlers would be able to reach up and calm the horse and keep it on track instead of having it take off as happened the last two years. Tucson had been devastated by the tragedy which occurred last year and the year before. With regard to the experience of the horses, Mr. Stewart said that the horses were driven on a daily basis. They had appeared in many parades every year.

Council Member Leal thanked Mr. Stewart personally for making the substantive change of having teams driven by their owners. He said he thought the other changes that staff had worked on would go significantly toward making this a safer event and one that all families could enjoy without trepidation. He thanked Michael Rankin, City Attorney, for paying special attention to what this Ordinance did or did not apply to. In past years, there was a desire on the part of some to have a thing called a parade ordinance, which was very broad and had many concerned about its breaches of civil rights. It was a concern on the part of many Tucsonans that this could be constrained so that it could not become over time what was not passable by the Mayor and Council. He thought the language currently offered helped Mayor and Council with that. It should be ensured that no administrative directive happen separately from the Mayor and Council public hearings so that what was done tonight was only applicable to the parades that were mentioned tonight and nothing else. He stated everyone seemed good about that for the right reasons.

Council Member Trasoff said she was appreciative of the changes that the Parade Committee had worked out along with the Police Chief. Tucsonans wanted to see the parade continue but continued in as safe as possible a manner. Major steps had been taken along with the changes, which were announced over a month ago before the holidays. Even though the Parade Committee made those changes, Tucson's law enforcement had no ability to enforce the rules themselves. Police officers required the ability to enforce some of these actions such as people stepping out into the parade or trying to distract the animals. Council Member Trasoff added she thought this was a very carefully thought-out Ordinance. It delineated what was covered and what was not covered; this was incredibly important as well. This was an issue, which responded to

TPD's need to protect the citizens and the community. One of the elements which needed to happen along with it was that the community become aware and educated about these changes in the rules so that they understood when they came to a parade, there would be restrictions. She said she was not sure whether this would take the form of a handout or just public service. The education of the community should be for all participants, not just the four-legged but the two-legged participants as well.

Council Member Scott inquired whether there would be additional police officers requested now that it was known there would be more marshals than in the past.

Kathleen Robinson, Assistant Police Chief, Tucson Police Department said they had worked very closely with the Rodeo Parade Committee regarding their crowd control and traffic control plans. They would have approximately two hundred thirty police officers working the event this year. This was just over one hundred officers more than what they normally had and it was broken down into two parts. There would be officers assigned just to crowd control and officers assigned to the traffic issues. In the past, they had dual responsibilities but TPD did not want them to multi-task but rather to focus on the crowd and spectators. If their role was to focus on the traffic issues, they would deal with that.

Council Member Scott asked if these new expenses were covered by TPD's budget.

Assistant Police Chief Robinson replied that this year, TPD agreed for the officers to take on this burden and it would utilize detectives, community service officers, bike officers and officers that were normally on duty but had other responsibilities. Much of TPD's Crimes Against Persons detectives, rather than working their cases that day, would be assigned to the rodeo parade. This is something that TPD spoke to the Rodeo Parade Committee about. The Committee would have to seek sponsors in future years, as it was not something the City could absorb.

Council Member Scott said it was as well an organized and safe arrangement as could be. Mayor and Council all hoped for the very best and that all would be having a happy day that day.

Council Member Uhlich extended her gratitude to the TPD and to the Parade Committee. She said she knew they had worked hard and collaboratively to get to the place they were. She asked a question regarding Committee recommendations with respect to escorts and wanted TPD to address the issue of why it was better for foot as opposed to mounted escorts.

Mr. Stewart addressed that issue by saying those people who would be on foot next to the horses actually worked with the driver on a regular basis. These individuals were familiar with the horses to begin with. In addition, there would also be mounted horseback marshals who would now have double the training on what to do in case of an emergency. There had always been mounted marshals. He gave an example of the kind

of things the marshals would do when the horses got to the railroad track. The mounted marshal would have his horse step in front of the team and lead the team across. The team that followed another horse would remain calm.

Council Member Uhlich addressed Michael Rankin, City Attorney, confirming that there was an interface between the Mayor and Council Ordinance, the TPD responsibility and the Committee's recommendation. She then asked why there were no brakes on the wagons and wheeled vehicles.

Mr. Stewart said all of their wagons were required to have brakes and all the ones they owned had demonstrated the ability to be able to lock their wheels up and stop. As with cars, locking up the wheels might not always be the best thing to do. There could be a skid situation.

Council Member Uhlich said she appreciated the collaboration. The City's taking on additional responsibility was noted and the Committee was taking on a serious responsibility as well. The Committee would oversee the new regulations under the Committee's purview and the entire Mayor and Council wanted to be sure they would be enforced rigorously. It was the right thing to partner as closely as they could to sustain this important tradition and at the same time protect the public's safety.

Mr. Stewart thanked Mayor and Council for passing the Ordinance as well as TPD for their cooperation in working with the Committee to iron out the things that had been proposed in the Ordinance and which the Committee was behind one hundred percent. He also thanked the members of the City Manager's office who had been working with them in crafting the Ordinance.

Council Member Romero commended Mr. Stewart, TPD, and the City Attorney's office for their hard work and being so mindful and delineating this Ordinance so well. The Tucson Rodeo Parade was a very important City tradition. Some change was good, especially when it kept such a wonderful and cultural event alive in the community.

Assistant Police Chief Robinson said, since the media was there, one of the things discussed was the marketing and education of the public. TPD was going to ask the public and the media to help them market the rule and Ordinance changes to look at what was going to be implemented, as there were so many changes. The traffic pattern would be locked down much earlier. It would be a bit more difficult to get in and out because of the safety measures. The marketing and education of the public in the next six weeks was critical for the event to be a success. Assistant Police Chief Robinson hoped there would be cooperation between TPD and the media and newsprint to help get the word out.

Council Member Leal asked if TPD would get together after the event to debrief and see how the new system worked.

Assistant Police Chief Robinson said she has had quite an education in horses over the last several months. The after-action would be taken very seriously so that everything would be looked at along with the Parade Committee.

Council Member Scott said after the parade was over for some, there was a drop-off site. She wondered if the handlers of the horses were present at that site and any other people who needed to leave that site to go elsewhere. Last year there was a drop-off site for those at the beginning of the parade and there was an incident at that site.

Mr. Stewart said that the beginning of the parade was where they generally had those who would ride on the wagons load onto the wagons at that point. The horses and wagons go through a warm-up area before they step out onto Sixth Avenue and into the lineup area. At the end of the parade, those wagons that were owned by the Parade Committee would go into the rodeo grounds which was where the people on the wagons would be unloaded. The horses would then be unhitched and put in corrals to cool down. The wagons then were put away in the barns.

Mayor Walkup thanked Mr. Stewart, Assistant Police Chief Robinson, and all City staff and Council involved for all the work they had put in. He added he had ridden in the parade for eight years and reemphasized the importance of public participation with Mayor and Council to make this the very best and safest parade. The public must understand that they were playing a vital role in the safety of this parade and follow all rules and regulations.

Assistant Police Chief Robinson said the issue of candy being thrown to the public was an issue TPD was aware of and one they were dealing with. It would be part of the marketing and information going out to the public.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott and Leal,
Mayor Trasoff and Mayor Walkup

Nay: None

Ordinance 10494 was declared passed and adopted by a roll call vote of 7 to 0.

(Note: Mayor Walkup departed at 7:13 p.m.)

8. ZONING: (C9-07-25) MCCOWN – BROADWAY BOULEVARD, SR TO SH AND RX-1, CITY MANAGER’S REPORT

Vice Mayor Trasoff announced City Manager's communication number 25, dated January 15, 2008, was received into and made a part of the record. She also announced this was a request to rezone property located on the southeast corner of Gollob Road and Broadway Boulevard. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. She asked if the applicant or a representative was present.

Council Member Glassman said that the applicant was not there as he had surgery that morning.

Vice Mayor Trasoff asked if Council Member Glassman had spoken with the applicant to know if he was agreeable to the proposed requirements.

Council Member Glassman replied that he had.

With respect to procedure, Vice Mayor Trasoff inquired if it was appropriate to move forward with a hearing in public when the applicant did agree to the conditions that were proposed.

Michael Rankin, City Attorney, could not speak for the applicant but could only call to the applicant to see if he or she was present or not and then Mayor and Council could proceed with the motion to act on the rezoning request.

It was moved by Council Member Glassman, duly seconded, and passed by a voice vote of 6 to 0, (Mayor Walkup absent/excused) to authorize the request as recommended by the Zoning Examiner.

9. ZONING: CORRECTION OF REZONING CONDITIONS IN CASES, (C9-92-19) COLDWELL – GRANT ROAD AND (C9-99-07) AAA AUTO RENTALS – GRANT ROAD

Vice Mayor Trasoff announced City Manager's communication number 27, dated January 15, 2008, was received into and made a part of the record. She asked the City Clerk to read Ordinance 10493 by number and title only.

Ordinance No. 10493 relating to zoning: an ordinance amending Ordinance 10460 to restate rezoning conditions as authorized by the Mayor and Council in the area located on the south side of East Grant Road, approximately 500 feet east of North Country Club Road in Cases C9-92-19, Coldwell Grant Road and C9-99-07, AAA Auto Rental – Grant Road (RZ07-033 in the C-2 zone; and setting an effective date.

Kathleen S. Detrick, City Clerk announced this item required a three-quarter majority vote of Mayor and Council in order to be adopted.

Vice Mayor Trasoff said this item was in Ward 6 and the map that was in the book was not the most recent. There had been an issue when this first came up regarding the four spots for vacuums in the back which would be closest to neighboring properties. These had been removed and were now parking places. The most recent diagram did not show this but was part of the record. This was important to the neighbors.

It was moved by Council Member Leal, duly seconded to pass and adopt Ordinance 10493.

Vice Mayor Trasoff asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal;
Vice Mayor Trasoff and Mayor Walkup

Nay: None

Ordinance 10493 was declared passed and adopted by a roll call vote of 6 to 0, (Mayor Walkup absent/excused).

10. ZONING: (C9-02-32) A-C INVESTMENTS - AJO WAY, R-1/R-2 TO I-1, ORDINANCE ADOPTION

City Clerk, Kathleen S. Detrick announced the applicant requested this item be continued until February 12, 2008.

It was moved by Council Member Leal, duly seconded, and passed by a voice vote of 6 to 0 (Mayor Walkup absent/excused) to continue Item No. 10 on February 12, 2008.

Ms. Detrick stated the meeting would be held in the Mayor and Council Chambers, First Floor, City Hall, 255 West Alameda Street.

11. ZONING: (C9-07-24) SPALDING – MILLMAR ROAD, SR TO RX-1, CITY MANAGER’S REPORT

Vice Mayor Trasoff announced City Manager's communication number 29, dated January 15, 2008, was received into and made a part of the record. She also announced this was a request to rezone approximately 4.30 acres from SR to RX-1 zoning. The rezoning site is located on the south side of Millmar Road, approximately 550 feet west of South Mesquite Ranch Road. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. She asked if the applicant or a

representative was present. She asked they come forward, state their name and address, and state if they were agreeable to the proposed requirements.

The applicant, Travis Spaulding said he was agreeable to the proposed requirements.

It was moved by Council Member Scott, duly seconded, and passed by a voice vote of 6 to 0, (Mayor Walkup absent/excused) to authorize the request as recommended by the Zoning Examiner.

12. TUCSON CODE: AMENDING (CHAPTER 11) RELATING TO THE TUCSON RODEO PARADE AND OTHER PARADE EVENTS

(Note: This item was taken out of order and considered after Item 7.)

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Vice Mayor Trasoff announced City Manager's communication number 19, dated January 15, 2008, was received into and made a part of the record. She asked if there were any personal appointments to be made.

Council Member Romero announced her appointment of Debbie Pela to the Board of Adjustment; Lee Oler to the Citizen Sign Code Committee; Justin Williams and Evelyn Alvarez to the Community Development Advisory Committee; Lillian Lopez Grant to the ParkWise Commission; Alicia Calahorro to the Tucson Commission on Gay, Lesbian, Bisexual and Transgender Issues; Donna Branch Gilby to the Tucson-Pima County Metropolitan Energy Commission.

Council Member Glassman announced his appointment of Robert Janssen to the Community Development Advisory Committee; Ruth Wojcik to the Board of Adjustment; Eric Cheney to the Planning Commission; Timothy Shell to the Commission on Disability Issues; Cindy Riley to the Tucson Rodeo Grounds/Parade Citizens' Oversight Committee.

Council Member Uhlich announced her appointment of Stuart Sloneker to the (KIDCO) Out of School Program Task Force.

It was moved by Council Member Glassman, duly seconded, and passed by a voice vote of 6 to 0, (Mayor Walkup absent/excused) to approve the reappointment of Chair Brian Bjorndahl to the City Employees Supplemental Retirement System, Board of Trustees.

14. ADJOURNMENT: 7:21 p.m.

Vice Mayor Trasoff announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, January 23, 2008, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 15th day of January 2008, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:tl:kad